

Application Serial No: 10/560,375  
Responsive to the Office Action mailed on: February 6, 2008

### **REMARKS**

This Amendment is in response to the Office Action mailed on February 6, 2008. Claim 1 is amended editorially and is supported, for example, in the specification on page 10, line 26-page 11, line 22 and in Figure 2. No new matter is added. Claims 1-9 are pending.

#### **§102 Rejections:**

Claims 1 and 8 are rejected as being anticipated by Varghese (US Patent No. 6,749,571). This rejection is traversed.

Claim 1 is directed to an ultrasonic diagnostic apparatus that requires, among other features, that a tissue characteristic image is renewed in a cycle different from the cycle for a tomographic image. Claim 1 also requires that during an operation of ultrasonic wave transmission/reception, the tissue characteristic image that is obtained for a period at least one cycle before being displayed by a display means. Further, claim 1 requires that during a suspension of ultrasonic wave transmission/reception, an arbitrary one of the tissue characteristic images that have been acquired previously and one of the tomographic images that is in synchronization with the tissue characteristic image be displayed by the display means.

Varghese does not disclose or suggest these features. Varghese is directed to an apparatus for cardiac elastography in which an elastographic image is obtained by a comparison of a frame to the predecessor frame that should be changed because of a heartbeat. In particular, Varghese discloses that the images (38) and (72) may be updated in real time (see column 5, lines 63-64). Thus the image (38) is renewed in a cycle similar to the cycle of the image (72). Nowhere does Varghese disclose or suggest that a tissue characteristic image is renewed in a cycle different from the cycle for a tomographic image.

Also, nowhere does Varghese disclose or suggest different conditions for displaying images with its apparatus for cardiac elastography. Accordingly, Varghese cannot disclose or suggest that during an operation of ultrasonic wave transmission/reception, the tissue characteristic image that is obtained for a period at least one cycle before is displayed by a display means. Similarly, Varghese also cannot

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disclose or suggest that during a suspension of ultrasonic wave transmission/reception, an arbitrary one of the tissue characteristic images that have been acquired previously and one of the tomographic images that is in synchronization with the tissue characteristic image to be displayed by the display means. For at least these reasons claim 1 is not suggested by Varghese. Claim 8 depends from claim 1 and should be allowed for at least the same reasons.

§103 Rejections:

Claims 2-5 are rejected as being unpatentable over Varghese in view of Von Behren (US Patent No. 6,558,324). This rejection is traversed. Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claim 6 is rejected as being unpatentable over Varghese in view of Selzer (US Patent No. 6,979,294). This rejection is traversed. Claim 7 depends from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claim 7 is rejected as being unpatentable over Varghese in view of Nightingale (US Patent No. 6,371,912). This rejection is traversed. Claim 7 depends from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claim 9 is rejected as being unpatentable over Varghese in view of Seward (US Patent No. 6,398,736). This rejection is traversed. Claim 9 depends from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

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Conclusion:

Applicants respectfully assert that claims 1-9 are now in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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